

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA, EASTERN DIVISION**

**SHIRLEY McBRAYER FLOOD, as
PERSONAL REPRESENTATIVE of
THE ESTATE OF DAVID DANIEL
McBRAYER, deceased**

Plaintiff

**CITY OF JACKSONVILLE,
ALABAMA,**

Defendant

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) Case No. **1:16-cv-1832-ACA**
)
) Hon. Annemarie C. Axon presiding
)
) ****Partially Opposed****
)

**DEFENDANT CITY OF JACKSONVILLE’S UNOPPOSED MOTION TO
EXCLUDE ITS RESPONSE TO PLAINTIFF’S STATEMENTS OF FACTS
FROM THE PAGE COUNT LIMITATION IN ITS REPLY BRIEF**

Comes now the Defendant, the City of Jacksonville (“Jacksonville”), which moves this Honorable Court for relief from the page count limitations on Defendant’s Reply Brief to Plaintiff’s Opposition to Jacksonville’s Motion for Summary Judgment. More specifically, Jacksonville requests that this Court exclude its specific responses to Plaintiff’s Narrative Statements of Facts sections from the page count limitations such that Defendant’s argument section of its Reply Brief may be 10 pages in length. As good grounds for this motion, Jacksonville submits the following:

1. Prior to filing this motion, the undersigned counsel for Jacksonville consulted with Plaintiff’s counsel. The Plaintiff consents that the Defendant be

allowed an additional 3 pages in its reply brief, but opposes any additional pages beyond 3, thereby still limiting the Defendant's reply brief to a total of 13 pages.

2. Plaintiff's opposition to the summary judgment motion contains approximately 14 pages of both alleged undisputed and alleged disputed facts. This Court's summary judgment requirements, as set forth in its Uniform Initial Order, require a response, in separately numbered paragraphs, to these claimed facts, along with specific references to the evidentiary record. (Doc.2/pp.18-19.) This Court's Uniform Initial Order also contemplates that summary judgment reply briefs are limited to 10 pages. (Id./p.15.)

3. Jacksonville anticipates that in order to adequately respond to Plaintiff's alleged facts in the manner contemplated by the Uniform Initial Order, it would have to use most, if not all, of its 10-page reply brief to do so, and then would have no opportunity to reply to any of the Plaintiff's legal arguments.

4. As such, in order for Jacksonville to present a full, accurate response to Plaintiff's summary judgment opposition, Jacksonville respectfully requests that this Court exclude Jacksonville's response to Plaintiff's asserted facts from the page-count limitation of the reply brief, thereby allowing Jacksonville to present 10 pages of argument.

WHEREFORE, PREMISES CONSIDERED, Jacksonville prays that this Court will grant its request to exceed the page count limitation in its reply brief by

issuing an order excluding its specific responses to Plaintiff's Narrative Statements of Facts sections from the page count limitations such that Defendant's argument section of its Reply Brief may be 10 pages in length.

Respectfully submitted,

/s/ C. David Stubbs
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Certificate of Filing and Service

I hereby certify that the following has been served a copy of the foregoing document, on the 6th day of February, 2019, by placing the same in the U.S. mail, postage prepaid and properly addressed; or, if the party being served is a registered participant in the ECF System of the United States District Court for the Northern District of Alabama, by a "Notice of Electronic Filing" pursuant to N.D. Ala. Local Rule 5.4:

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